IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Crl.MC.No. 2042 of 2007()

(C.C. NO. 33/2006 of JUDICIAL FIRST CLASS MAGISTRATE-IV, KOZHIKODE.)

PETITIONER: ACCUSED

CHITRALEKHA, D/O.KUNHIKRISHNAN NAIR,
AGED 37 YEARS, 'NAVYA', NIDUMPURAM POST,
CHOCKLI, THALASSERY.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. S.I. OF POLICE, NADAKAVU POLICE STATION, KOZHIKODE.

BY ADV. SRI. GIKKU JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C.No. 2042 Of 2007

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Dated this the 26th day of June, 2007

ORDER

Petitioner is the accused in a prosecution under Section 420 IPC. The petitioner was granted bail but consequent to her omission, she could not appear on the date of posting and a warrant of arrest has been issued against the petitioner by the learned Magistrate. The petitioner is willing to surrender before the learned Magistrate, but she apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. She therefore prays that a direction may be issued under section 482 Cr.P.C. to the learned Magistrate to release her on bail when she appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in

Alice George v. The Deputy Superintendent of Police [2003(1) KLT 339].

3. This Crl.M.C.is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself, unless there are compelling reasons.

(R.BASANT, JUDGE)

sj